

#37

BRIEF FOR APPELLEE - DIRECTOR OF
THE UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

Appeal No. 06-1003
(Serial No. 09/449,237)

IN RE JAMES PRESCOTT CURRY

Appeal from the United States Patent and Trademark Office,
Board of Patent Appeals and Interferences

JOHN M. WHEALAN
Solicitor

ROBERT J. MCMANUS
RAYMOND T. CHEN
Associate Solicitors

P.O. Box 15667
Arlington, Virginia 22215
(571) 272-9035

Attorneys for the Director of the
United States Patent and Trademark Office

March 10, 2006

RECEIVED
MAR 12 PM 2:07
U.S. PATENT & TRADEMARK OFFICE

TABLE OF CONTENTS

I.	STATEMENT OF THE ISSUE	1
II.	STATEMENT OF THE CASE	2
III.	STATEMENT OF THE FACTS	2
A.	The Claimed Method: Providing Access To “Wellness-Related” Databases To Authorized Terminals and Users Over The Internet	2
B.	The Prior Art: Baker Describes Providing Access To Databases To Authorized Terminals and Users Over The Internet	5
C.	The Examiner’s Reasoning	6
D.	The Board Decision	7
IV.	SUMMARY OF THE ARGUMENT	9
V.	ARGUMENT	10
A.	Standard of Review	10
B.	Curry’s Claimed Database Access Control Is Obvious In View of Baker’s Controlled Access Database	11
1.	Reciting A Particular Type Of Data (“Wellness-Related”) To Be Stored Does Not Render Curry’s Claims Patentable	12
2.	Reciting Where A Computer Terminal Is “Located” (A Fitness Center) Lacks Patentable Merit	20